

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

POWERS PAPER, L.L.C.,

Plaintiff,

v.

Case No. 4:24-cv-10731

District Judge F. Kay Behm

Magistrate Judge Anthony P. Patti

NORTHSTAR SOURCING
LLC, INTERNATIONAL
PAPER SOLUTIONS d/b/a/
Northstar Sourcing,
KOOKA USA, LLC, and
JOHN KOUSSA,

Defendants.

**ORDER GRANTING PLAINTIFF’S VERIFIED MOTION FOR
EXTENSION OF TIME TO EFFECT SERVICE OF PROCESS AND TO
ALLOW SUBSTITUTED SERVICE (ECF No. 26)**

Currently before the Court is Plaintiff’s April 7, 2025 verified motion for extension of time to effect service of process as to Defendants Northstar Sourcing, Kooka USA, and John Koussa and to allow substituted service (ECF No. 26), which Judge Behm has referred to me for hearing and determination (ECF No. 28). This motion will be determined without hearing. E.D. Mich. LR 7.1(f)(2).

A. Background

On March 21, 2024, Plaintiff filed this lawsuit against four Defendants, alleging causes of action for breach of contract, unjust enrichment, and statutory

conversion. (ECF No. 1; see also ECF No. 2 [Exhibit A].) Summons were issued for the four Defendants (ECF Nos. 3, 4), and Plaintiff filed executed returns of service indicating that John Koussa was served on April 12, 2024 (ECF No. 9), and International Paper Solutions, Kooka USA, and Northstar Sourcing each were served on May 13, 2024 (ECF Nos. 6, 7, 8).

B. Final judgment was entered as to Defendant International Paper Solutions in January 2025.

On September 5, 2024, following Plaintiff's request, the Clerk of the Court entered default as to each of the four Defendants. (ECF Nos. 13, 14.) On September 6, 2024, Plaintiff filed a motion for default judgment (ECF No. 15), and the Court conducted a hearing and received supplemental briefing (ECF Nos. 16, 17). By orders dated December 6, 2024 and amended on January 13, 2024, Judge Behm granted the motion as to Defendant International Paper Solutions only and denied the motion without prejudice as to the remaining Defendants. (ECF No. 18, PageID.153 ¶ 8; ECF No. 19, PageID.164 ¶ 8.) Final judgment has been entered as to Defendant International Paper Solutions. (ECF No. 20.)

C. In its April 2025 motion, Plaintiff seeks an extension of time within which to serve Defendants Northstar Sourcing, Kooka USA, and Koussa.¹

¹ The Court denied without prejudice Plaintiff's initial attempt to extend the time to effect service of process and to allow substituted service. (See ECF Nos. 23, 24, 25.)

In its present motion, Plaintiff explains that its counsel “retained Michigan Civil Process Service in February 2025.” (ECF No. 26, PageID.228 ¶ 3.) Plaintiff further contends it “has been diligently attempting to effect service of process on Koussa, individually, and on behalf of Northstar and Kooka, without success[,]” “Mr. Koussa has been difficult to locate because he sold his house and is divorced[,]” and “several addresses have been discovered that are associated with Koussa, with none being valid.” (*Id.*, ¶¶ 4-6; *see also id.*, ¶¶ 7-9.) Plaintiff also describes a timeline of events from March 28, 2025 to April 4, 2025 (*id.*, PageID.229-233 ¶¶ 10-22), and he attaches affidavits of non-service (ECF Nos. 26-1, 26-2), an investigative report (ECF No. 26-3), emails (ECF No. 26-4, 26-8, 26-9), the April 7, 2025 affidavit of Plaintiff’s President, Brian Powers (ECF No. 26-5), and exhibits to the affidavit (ECF Nos. 26-6, 26-7; *see also* ECF No. 27).

Moreover, Plaintiff has filed a notice regarding its counsel’s April 8, 2025 phone conversation with Koussa, in which Koussa allegedly “confirmed that he has received and reviewed the Complaint[,]” “advised he is not presently in Michigan[,]” and “claim[ed] to be in Fort Lauderdale, Florida.” (ECF No. 29, PageID.290-291 ¶¶ 4, 6; ECF No. 29-1.) Plaintiff’s counsel represents he “does not presently have any address in Fort Lauderdale, Florida associated with Koussa.” (ECF No. 29, PageID.291 ¶ 8.)

D. Order

Upon consideration, Plaintiff has “show[n] that service of process cannot reasonably be made as provided by [M.C.R. 2.105],” so “the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” M.C.R. 2.105(J)(1). *See also* Fed. Rules Civ. P. 4(e)(1), 4(h)(1)(A). Accordingly, Plaintiff’s motion (ECF No. 26) is **GRANTED** and Plaintiff’s time within which to effect service of process as to Defendants Northstar Sourcing, Kooka USA, and John Koussa is extended to **Monday, May 12, 2025**. Also, keeping in mind Plaintiff’s allegations that Northstar and Kooka are each comprised of a single member, John Koussa (ECF No. 1, ¶¶ 7, 11), and that Koussa “is the owner of Northstar, IPS, and Kooka[,]” (*id.*, ¶¶ 49, 136; *see also id.*, ¶¶ 87, 88), Plaintiff may effectuate service by **three or more** of the following methods:

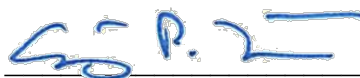
1. Posting and mailing, via U.S. Postal Service, a copy of this order, the Summons, Complaint, and Exhibits to the Complaint to 27060 Kennedy Street, Dearborn Heights, MI, 48127 (*i.e.*, Koussa’s supposed residence (*see* ECF No. 26, PageID.234 ¶ 24; ECF No. 26-3)).
2. Mailing, via U.S. Postal Service, a copy of this order, the Summons, Complaint, and Exhibits to the Complaint to 28211 Southfield Rd., Box 760338, Lathrup Village, MI 48076 (*i.e.*, the address allegedly provided by Koussa during a March 31, 2025 phone call (*see* ECF No. 26, PageID.229-230 ¶ 10)).

3. Posting and mailing, via U.S. Postal Service, a copy of this order, the Summons, Complaint, and Exhibits to the Complaint to 1546 Chevy Circuit, Rochester Hills, MI 48306 (*i.e.*, registration address for Koussa's Mustang (*see* ECF No. 26, PageID.234 ¶ 24; ECF No. 26-3)).
4. Posting and mailing, via U.S. Postal Service, a copy of this order, the Summons, Complaint, and Exhibits to the Complaint to 31319 Foxboro Way, Beverly Hills, MI 48025 (*i.e.*, the address on Koussa's driver's license (*see* ECF No. 26, PageID.229 n.2, PageID.234 ¶ 24; ECF No. 26-3)).
5. E-mail a copy of this order, the Summons, Complaint, and Exhibit to John@northstarsource.com (*i.e.*, Koussa's e-mail address (*see* ECF No. 26, PageID.230 ¶ 13 & n.5, PageID.233 ¶ 22; ECF No. 26-4; ECF No. 26-8; ECF No. 26-9)).
6. Send a text message to Mr. Koussa at 586-XXX-1344 and 586-XXX-0126 alerting him of this lawsuit, providing him with the case number, and advising him of the alternative ways we have effected service of process (*i.e.*, numbers associated with March 31, 2025 phone calls (*see* ECF No. 26, PageID.229-230 ¶ 10, PageID.232-233 ¶¶ 19, 20; ECF No. 26-3; ECF No. 26-4; ECF No. 26-8; ECF No. 26-9)), along with a scanned a copy of this order, if possible.

(*See* ECF No. 26, PageID.239-241.)

IT IS SO ORDERED.

Dated: April 11, 2025



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE